

Senate Amendment 5207

PAG LIN

1 1 Amend House File 2558, as passed by the House, as
1 2 follows:
1 3 [#1.](#) Page 3, line 12, by striking the figure
1 4 <2,450,000> and inserting the following: <3,200,000>.
1 5 [#2.](#) Page 5, by striking line 28 and inserting the
1 6 following:
1 7 <..... \$ 28,972,190>
1 8 [#3.](#) Page 5, by striking line 32 and inserting the
1 9 following:
1 10 <..... \$ 26,144,996>
1 11 [#4.](#) Page 6, by striking line 5 and inserting the
1 12 following:
1 13 <..... \$ 8,599,419>
1 14 [#5.](#) Page 6, by striking line 18 and inserting the
1 15 following:
1 16 <..... \$ 14,969,715>
1 17 [#6.](#) Page 7, by striking line 9 and inserting the
1 18 following:
1 19 <..... \$ 3,928,438>
1 20 [#7.](#) Page 10, by inserting after line 17 the
1 21 following:
1 22 <6. The department shall submit a report to the
1 23 co-chairpersons and ranking members of the joint
1 24 appropriations subcommittee on the justice system and
1 25 the legislative services agency by January 2, 2007,
1 26 regarding the special needs unit located at the Iowa
1 27 medical and classification center at Oakdale which is
1 28 currently under construction. The report shall
1 29 specify the date when the construction of the special
1 30 needs unit will be completed, the date when the unit
1 31 is ready to be occupied by inmates, and the amount of
1 32 funding required to operate the unit in FY 2006=
1 33 2007.>
1 34 [#8.](#) Page 10, by striking line 30 and inserting the
1 35 following:
1 36 <..... \$ 11,242,260>
1 37 [#9.](#) Page 11, by striking line 1 and inserting the
1 38 following:
1 39 <..... \$ 8,924,193>
1 40 [#10.](#) Page 11, by striking line 7 and inserting the
1 41 following:
1 42 <..... \$ 5,285,982>
1 43 [#11.](#) Page 11, by striking line 13 and inserting
1 44 the following:
1 45 <..... \$ 4,810,474>
1 46 [#12.](#) Page 11, by striking line 21 and inserting
1 47 the following:
1 48 <..... \$ 16,345,917>
1 49 [#13.](#) Page 11, by striking line 27 and inserting
1 50 the following:
2 1 <..... \$ 11,204,167>
2 2 [#14.](#) Page 11, by inserting before line 28 the
2 3 following:
2 4 <____. The sixth judicial district department of
2 5 correctional services shall maintain a youth
2 6 leadership model program to help at-risk youth. As a
2 7 part of the program, the district department may
2 8 recruit college or high school students in the
2 9 judicial district to work with at-risk youth. The
2 10 student workers shall be recruited regardless of
2 11 gender and be recommended by their respective schools
2 12 as good role models, including but not limited to
2 13 students who possess capabilities in one or more of
2 14 the following areas of ability: intellectual
2 15 capacity, athletics, visual arts, or performing arts.>
2 16 [#15.](#) Page 11, by striking line 33 and inserting
2 17 the following:
2 18 <..... \$ 6,348,075>
2 19 [#16.](#) Page 12, by striking line 4 and inserting the
2 20 following:
2 21 <..... \$ 6,401,794>
2 22 [#17.](#) Page 12, by inserting before line 9 the
2 23 following:
2 24 <The department of corrections shall contract with

2 25 a private nonprofit substance abuse treatment provider
2 26 in a city with a population exceeding sixty-five
2 27 thousand but not exceeding seventy thousand to
2 28 implement the pilot project. The department shall
2 29 file a report with the co-chairpersons and ranking
2 30 members of the appropriations subcommittee on the
2 31 justice system and the legislative services agency by
2 32 February 1, 2007, detailing the number of offenders
2 33 served by the pilot project, the recidivism rate, a
2 34 description of the type of services received by the
2 35 offenders, and the number of prison bed days saved by
2 36 the pilot project.>
2 37 #18. Page 17, by striking lines 16 and 17 and
2 38 inserting the following:
2 39 <..... \$ 1,582,029
2 40 FTEs 26.75>
2 41 #19. Page 17, by inserting after line 19 the
2 42 following:
2 43 <It is the intent of the general assembly that the
2 44 homeland security and emergency management division
2 45 work in conjunction with the department of public
2 46 safety, to the extent possible, when gathering and
2 47 analyzing information related to potential domestic or
2 48 foreign security threats, and when monitoring such
2 49 threats.>
2 50 #20. Page 21, by striking lines 3 and 4 and
3 1 inserting the following:
3 2 <..... \$ 1,075,753
3 3 FTEs 27.90>
3 4 #21. Page 21, by inserting after line 7 the following:
3 5 <Sec. _____. YOUTH ENRICHMENT PILOT PROJECT. There is
3 6 appropriated from the general fund of the state to the judicial
3 7 branch for the fiscal year beginning July 1, 2006, and ending
3 8 June 30, 2007, the following amount, or so much thereof as is
3 9 necessary, to be used for the purposes designated:
3 10 For a grant to be determined by the state court administrator,
3 11 for the maintenance of a youth enrichment pilot project located
3 12 in a county with a population greater than 300,000 that is
3 13 involved in a public-private partnership pursuing life
3 14 skills, education, and mentoring programs for offenders between
3 15 the ages of 16 and 22 who have been charged with a felony:
3 16 \$ 50,000>
3 17 #22. Page 22, by inserting after line 13 the
3 18 following:
3 19 <Sec. _____. Section 903A.5, Code 2005, is amended
3 20 to read as follows:
3 21 903A.5 TIME TO BE SERVED == CREDIT.
3 22 1. An inmate shall not be discharged from the
3 23 custody of the director of the Iowa department of
3 24 corrections until the inmate has served the full term
3 25 for which the inmate was sentenced, less earned time
3 26 and other credits earned and not forfeited, unless the
3 27 inmate is pardoned or otherwise legally released.
3 28 Earned time accrued and not forfeited shall apply to
3 29 reduce a mandatory minimum sentence being served
3 30 pursuant to section 124.406, 124.413, 902.7, 902.8,
3 31 902.8A, or 902.11. An inmate shall be deemed to be
3 32 serving the sentence from the day on which the inmate
3 33 is received into the institution. If an inmate was
3 34 confined to a county jail or other correctional or
3 35 mental facility at any time prior to sentencing, or
3 36 after sentencing but prior to the case having been
3 37 decided on appeal, because of failure to furnish bail
3 38 or because of being charged with a nonbailable
3 39 offense, the inmate shall be given credit for the days
3 40 already served upon the term of the sentence.
3 41 However, if a person commits any offense while
3 42 confined in a county jail or other correctional or
3 43 mental health facility, the person shall not be
3 44 granted jail credit for that offense. Unless the
3 45 inmate was confined in a correctional facility, the
3 46 sheriff of the county in which the inmate was confined
3 47 shall certify to the clerk of the district court from
3 48 which the inmate was sentenced and to the department
3 49 of corrections' records administrator at the Iowa
3 50 medical and classification center the number of days
4 1 so served. The department of corrections' records
4 2 administrator, or the administrator's designee, shall
4 3 apply jail credit as ordered by the court of proper
4 4 jurisdiction or as authorized by this section and
4 5 section 907.3, subsection 3, ~~and shall forward a copy~~

4 6 of the number of days served to the clerk of the
4 7 district court from which the inmate was sentenced.

4 8 2. An inmate shall not receive credit upon the
4 9 inmate's sentence for time spent in custody in another
4 10 state resisting return to Iowa following an escape.
4 11 However, an inmate may receive credit upon the
4 12 inmate's sentence while incarcerated in an institution
4 13 or jail of another jurisdiction during any period of
4 14 time the person is receiving credit upon a sentence of
4 15 that other jurisdiction.>

4 16 #23. Page 22, by inserting after line 31 the
4 17 following:

4 18 <Sec. _____. Section 904.702, Code 2005, is amended
4 19 to read as follows:

4 20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

4 21 1. If allowances are paid pursuant to section
4 22 904.701, the director shall establish an inmate
4 23 account, for deposit of those allowances and for
4 24 deposit of moneys sent to the inmate from a source
4 25 other than the department of corrections. The
4 26 director may deduct an amount, not to exceed ten
4 27 percent of the amount of the allowance, unless the
4 28 inmate requests a larger amount, to be deposited into
4 29 the inmate savings fund as required under section
4 30 904.508, subsection 2. In addition to deducting a
4 31 portion of the allowance, the director may also deduct
4 32 from an inmate account any amount, except amounts
4 33 directed to be deposited in the inmate telephone fund
4 34 established in section 904.508A, sent to the inmate
4 35 from a source other than the department of corrections
4 36 for deposit in the inmate savings fund as required
4 37 under section 904.508, subsection 2, until the amount
4 38 in the fund equals the amount due the inmate upon
4 39 discharge, parole, or placement on work release. The
4 40 director shall deduct from the inmate account an

4 41 amount the inmate is legally obligated to pay for

4 42 child support. The director shall deduct from the
4 43 inmate account an amount established by the inmate's
4 44 restitution plan of payment. The director shall also
4 45 deduct from any remaining account balance an amount
4 46 sufficient to pay all or part of any judgment against
4 47 the inmate, including but not limited to judgments for
4 48 taxes and child support, and court costs and fees
4 49 assessed either as a result of the inmate's
4 50 confinement or amounts required to be paid under
5 1 section 610A.1. Written notice of the amount of the
5 2 deduction shall be given to the inmate, who shall have
5 3 five days after receipt of the notice to submit in
5 4 writing any and all objections to the deduction to the
5 5 director, who shall consider the objections prior to
5 6 transmitting the deducted amount to the clerk of the
5 7 district court. The director need give only one
5 8 notice for each action or appeal under section 610A.1
5 9 for which periodic deductions are to be made. The
5 10 director shall next deduct from any remaining account
5 11 balance an amount sufficient to pay all or part of any
5 12 costs assessed against the inmate for misconduct or
5 13 damage to the property of others. The director may
5 14 deduct from the inmate's account an amount sufficient
5 15 to pay for the inmate's share of the costs of health
5 16 services requested by the inmate and for the treatment
5 17 of injuries inflicted by the inmate on the inmate or
5 18 others. The director may deduct and disburse an
5 19 amount sufficient for industries' programs to qualify
5 20 under the eligibility requirements established in the
5 21 Justice Assistance Act of 1984, Pub. L. No. 98-473,
5 22 including an amount to pay all or part of the cost of
5 23 the inmate's incarceration. The director may pay all
5 24 or any part of remaining allowances paid pursuant to
5 25 section 904.701 directly to a dependent of the inmate,
5 26 or may deposit the allowance to the account of the
5 27 inmate, or may deposit a portion and allow the inmate
5 28 a portion for the inmate's personal use.

5 29 2. ~~The director, the institutional division, and~~
5 30 ~~the department shall not be liable to any person for~~
5 31 ~~any damages caused by the withdrawal or failure to~~
5 32 ~~withdraw money or the payment or failure to make any~~
5 33 ~~payment under this section.>~~

5 34 #24. Page 23, by inserting after line 3 the
5 35 following:

5 36 <Sec. _____. Section 905.14, subsection 1, Code

5 37 2005, is amended to read as follows:
5 38 1. A person placed on probation or parole and
5 39 subject to supervision by a district department shall
5 40 be required to pay an enrollment fee of ~~two hundred~~
~~5 41 fifty three hundred~~ dollars to the district department
5 42 to offset the costs of supervision. In addition to
~~5 43 the enrollment fee, the district department may~~
~~5 44 require a person to pay a fee to the district~~
~~5 45 department to offset the costs of providing sex~~
~~5 46 offender programming to that person.>~~
5 47 #25. Title page, line 2, by striking the word
5 48 <and> and inserting the following: <, providing for a
5 49 fee, and>.
5 50 #26. By renumbering as necessary.
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6 2
6 3
6 4 EUGENE S. FRAISE
6 5
6 6
6 7
6 8 LARRY McKIBBEN
6 9 HF 2558.509 81
6 10 jm/je/5827